

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

ALAN DERSHOWITZ,

Defendant.

Civil Action No. 19-cv-03377-LAP

ALAN DERSHOWITZ,

Counterclaim Plaintiff,

v.

VIRGINIA L. GIUFFRE,

Counterclaim Defendant.

AMENDED COUNTERCLAIMS

Defendant Alan Dershowitz (“Dershowitz”) hereby asserts the following Amended Counterclaims to the Amended Complaint of Plaintiff Virginia Roberts Giuffre (“Giuffre”) (ECF No. 117):

1. Since 2014, Counterclaim Plaintiff Alan Dershowitz (“Dershowitz”) and Counterclaim Defendant Virginia Roberts Giuffre (“Giuffre”) and her lawyers – motivated by money and other improper factors – have engaged in a sustained campaign to subvert the judicial process for the purposes of disseminating outrageous, knowingly false and defamatory claims accusing Dershowitz of sexually abusing her when she was a minor. Dershowitz now brings this action for defamation in order to establish the truth – that he never met Giuffre – and to hold

Giuffre accountable for her defamatory claims and recover for the serious harm she has caused to his reputation, his business, and his health.

2. Dershowitz never met Giuffre and never had sex with her. Prior to meeting her lawyers at Boies Schiller Flexner LLP, Giuffre – in accounts she gave to the FBI, her best friend, her boyfriend, and a journalist with whom she had a close relationship – had never included Dershowitz among the individuals she was allegedly trafficked to by Jeffrey Epstein. To the contrary, she wrote emails, a manuscript, and other material that made it clear that she *did not* have sex with Dershowitz. She then met her lawyers, who “pressured” her to falsely accuse Dershowitz, suggesting to her that she could make money by doing so.

3. On December 30, 2014, Giuffre alleged for the first time that she had been sexually abused by Dershowitz as a minor in the early 2000s while he was a guest at properties owned by Epstein. She made these salacious false allegations in a public pleading in which she purportedly sought to intervene as a plaintiff in an ongoing Crime Victims’ Rights Act lawsuit (“CVRA Action”) brought against the government by victims of sexual abuse committed by Epstein, who alleged that the government had violated their rights by failing to timely inform them that it had entered into a non-prosecution agreement with Epstein. Giuffre falsely alleged in the pleading (the “CVRA Joinder Motion”) that in addition to sexually abusing her himself, Epstein had “required [Giuffre] to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico and the U.S. Virgin Islands[,]” and that, “in addition to being a participant in the abuse of [Giuffre] and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein’s co-conspirators.” Exhibit A at p. 4. Giuffre repeated and expanded upon these false

accusations against Dershowitz in a sworn declaration filed under seal in the same action on January 21, 2015. All of these accusations are categorically false and defamatory.

4. Giuffre's accusations against Dershowitz in the CVRA Joinder Motion were stricken as a "sanction" by the Court pursuant to Fed. R. Civ. P. 12(f) as "impertinent" and "immaterial" because they were "unnecessary to the determination of whether [Giuffre] should be permitted to join [the original Petitioners'] claim that the Government violated their rights under the CVRA." Exhibit B at p. 5.

5. On information and belief, the inclusion of the accusations against Dershowitz in the CVRA Joinder Motion was part of a broader conspiracy to subvert the judicial process for the purpose of making false claims against him in order to make a public example out of him, and extort private settlements from other, wealthier individuals associated with Epstein. Notably, the CVRA Joinder Motion asserted that Giuffre had been sexually abused by "many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders," but publicly identified none of them, with the exception of Dershowitz, British Royal Prince Andrew, and a French modeling agency executive, Jean Luc Brunel. Ex. A at p. 4-6. She privately named these "powerful men" to her lawyers and in sealed depositions, but not publicly.

6. The CVRA filing, and the lurid accusations against Dershowitz contained therein, generated massive media coverage. Upon information and belief, Giuffre or her lawyers either provided the media with copies of the CVRA Joinder Motion or directed them to the docket, in order to stimulate media coverage at a time of year when most people were on vacation, and long before the Epstein story was national news.

7. In the years since making her original accusation against Dershowitz in the CVRA Joinder Motion, Giuffre and her lawyers have repeatedly reaffirmed, incorporated by reference, and otherwise affirmatively republished to new audiences the false and defamatory claims made in that filing, which, in turn, have been republished in the media on countless occasions, and in particular over the past year as public interest over the Epstein saga intensified.

8. In addition, upon information and belief, Giuffre and her lawyers have spoken to reporters, repeating the substance of her defamatory allegations on an off the record basis, in order to promote the further dissemination of her false narrative regarding Dershowitz. Giuffre has undertaken these actions to enrich herself financially. Committed to her lie, and using Dershowitz's public invitation to sue as cover, Giuffre has now sued Dershowitz for defamation for calling her a liar. But Giuffre *is* a liar. She has told numerous provable lies about her age, who she has met, whether she had emails concerning Dershowitz, and other fabrications, in addition to her false accusations about sex with Dershowitz. Her lies concerning Dershowitz have caused tremendous damage to his personal and professional reputation, his business, his health and caused him emotional and physical pain and suffering. Through these counterclaims, he seeks to hold her accountable for that damage.

PARTIES

9. Dershowitz is a renowned criminal defense attorney and *Professor Emeritus* at Harvard Law School. He has authored more than 40 books and is a frequent public speaker on issues of criminal defense, constitutional law, First Amendment freedoms, and the Middle East.

10. Giuffre is known as one of Epstein's accusers and has become a public figure by seeking media attention and accepting money for interviews in which she has made accusations against prominent men, including the false accusations against Dershowitz.

JURISDICTION AND VENUE

11. This is an action for damages in an amount in excess of the minimum jurisdictional limits of this Court.

12. Insofar as this Court has subject matter jurisdiction over Giuffre's Complaint, it has supplemental jurisdiction over Dershowitz's Counterclaims pursuant to 28 U.S.C. § 1367.

13. This Court has personal jurisdiction over Giuffre because she has voluntarily submitted to jurisdiction in the Southern District of New York by filing her Complaint there, and because she has caused tortious injury to Dershowitz in the Southern District of New York.

FACTUAL ALLEGATIONS

14. In or about 1996, Dershowitz began to develop a professional and academic relationship with Epstein, who was a patron of the arts and academia who would frequently host "salon"-type gatherings of academics, politicians, business leaders, and other influential individuals at his homes in New York, Florida, and elsewhere. Dershowitz was a guest at some of these events and an occasional visitor to Epstein's properties. He joined such distinguished guests as the President and Provost of Harvard, the Dean of the Kennedy School, and several distinguished professors, business leaders, and government officials.

15. When Epstein learned that prosecutors in Florida were investigating him for alleged sex crimes, Epstein asked Dershowitz to join his legal defense team, and Dershowitz accepted. Ultimately, Epstein negotiated a non-prosecution agreement with federal prosecutors and agreed to plead guilty to state charges for soliciting a minor for prostitution and to register as a sex offender.

16. In 2008, two women whom the government had previously identified as victims of sexual abuse by Epstein filed the CVRA Action, alleging that the United States Attorney's Office

for the Southern District of Florida had violated their rights under the CVRA, 18 U.S.C. § 3771, by failing to timely inform them that it had entered into the non-prosecution agreement with Epstein. *See Doe v. United States*, 9:08-cv-80736, Dkt. No. 435 at pp. 22-23 (S.D. Fla. Feb. 21, 2019).

17. On December 30, 2014, counsel for Plaintiffs in the CVRA Action filed the Joinder Motion on behalf of Giuffre and another woman, seeking to have them added as Plaintiffs in the case. Although it was not publicly known at the time, Boies Schiller Flexner LLP represented Giuffre in connection with the Joinder Motion, though David Boies subsequently falsely denied it.

18. Giuffre and her lawyers alleged in the CVRA Joinder Motion that in addition to sexually abusing her himself, Epstein had “required [Giuffre] to have sexual relations with Dershowitz on numerous occasions while she was a minor, not only in Florida but also on private planes, in New York, New Mexico and the U.S. Virgin Islands[,]” and that, “in addition to being a participant in the abuse of [Giuffre] and other minors, Dershowitz was an eye-witness to the sexual abuse of many other minors by Epstein and several of Epstein’s co-conspirators.” Ex. A at p. 4. Giuffre had not previously accused Dershowitz of having sex with her. To the contrary, she has made statements – both orally and in writing – that directly contradicted her accusation.

19. Giuffre further alleged in the CVRA Joinder Motion that she had been sexually abused by British Royal Prince Andrew, and “many other powerful men, including numerous prominent American politicians, powerful business executives, foreign presidents, a well-known Prime Minister, and other world leaders,” none of whom were publicly identified (other than Dershowitz, Prince Andrew, and a French modeling agency executive, Jean Luc Brunel). *Id.* at p. 4-6.

20. In a sworn declaration filed under seal a few weeks after the Joinder Motion, Giuffre repeated and expanded upon her allegations against Dershowitz. *See Exhibit C.* She claimed in the declaration that she was 15 when she met Epstein, and that she had sex with Dershowitz at least six times between the ages of 16 and 19, and gave specific details of the alleged encounters, though no timeframes. *Id.* However, her employment records prove that she did not even meet Epstein until she was 17, and she later admitted that she was well over 18 when she claimed to have had sex with Epstein's friends. In submitting this sworn declaration, Giuffre committed perjury, suborned by her lawyers at Boies Schiller Flexner LLP.

21. Giuffre's false accusations against Dershowitz in the CVRA Joinder Motion were stricken as a sanction by the Court pursuant to Fed. R. Civ. P. 12(f) as "impertinent" and "immaterial" because they were "unnecessary to the determination of whether [Giuffre] should be permitted to join [the original Petitioners'] claim that the Government violated their rights under the CVRA." Ex. B at p. 5.

22. The circumstances of the CVRA Joinder Motion – from the timing of the filing, to the decision to publicly name Dershowitz but not the other prominent men, to the unusual amount of media coverage of the filing – strongly suggest that the accusation against Dershowitz was part of a larger conspiracy undertaken by Giuffre and her lawyers to subvert the judicial process for the purposes of making false claims against Dershowitz in order to make a public example out of him, and extort private settlements from other, wealthier individuals associated with Epstein, whose alleged misconduct was well outside the statute of limitations. Giuffre and her lawyers deliberately made these false allegations against Dershowitz in a court pleading in a misguided effort to shield Giuffre from liability for defamation under the litigation and fair report privileges. She and her

lawyers intended that the allegations contained in the CVRA Joinder Motion would be continuously repeated and widely disseminated by the media, which they were.

23. Around the same time that she publicly accused Dershowitz, Giuffre, through her lawyers at Boies Schiller Flexner LLP, privately made an accusation against Leslie Wexner, the billionaire founder and CEO of L Brands and owner of Victoria's Secret. David Boies personally met with Wexner's lawyer in what Wexner's lawyer and wife both described as a "shakedown". Although the statute of limitations had long expired for any legal action against Wexner, Boies and his partner described in detail the alleged sexual encounters between Giuffre and Wexner, including an alleged demand by Wexner that Giuffre wear Victoria's Secret-type lingerie during their encounters. Such an accusation, if made publicly, could have massively damaged Wexner and his company. No public accusation against Wexner was ever made. This means that Wexner either submitted to Giuffre and her lawyers' extortion conspiracy and paid the demanded hush money, or that David Boies came to disbelieve Giuffre's claims regarding Wexner. If the latter, the Boies firm suborned perjury when Giuffre later testified under oath in a sealed deposition that she was sexually trafficked to Wexner. Upon information and belief, Giuffre's lawyers also approached other wealthy individuals whose alleged misconduct was well beyond the statute of limitations, as part of an extortion and shake down conspiracy.

24. Giuffre's claims regarding Dershowitz are totally false, and have been disseminated with a knowledge of their falsity or a reckless disregard for the truth, and out of ill-will and spite.

25. Giuffre gave the first public account of her experiences with Epstein in a series of interviews with British tabloid journalist Sharon Churcher in 2011, which Churcher published via a series of articles in the *Daily Mail*. Giuffre was paid \$160,000 for her story. Giuffre gave Churcher the names of prominent men she allegedly had sex with. The *Daily Mail* articles make

no mention of Dershowitz (except as an attorney for Epstein), because Dershowitz was not among the men with whom Giuffre claimed to have had sex. Churcher has confirmed that Giuffre never accused Dershowitz of having sex with her.

26. At the same time she was speaking with Churcher, Giuffre was shopping the rights to a book she was writing about her time with Epstein. The manuscript of her book mentions Dershowitz, but only as a friend of Epstein's – *not* as someone with whom Giuffre had sex.

27. An email exchange produced in discovery in a related litigation – which Giuffre unsuccessfully fought to keep private – explains how this came to be and constitutes smoking gun evidence of Giuffre's knowing and intentional fabrication of her allegations against Dershowitz. After telling her story to Churcher, Giuffre emailed Churcher in May 2011 to report that she was working towards a book deal and was "[j]ust wondering if you have any information on you from when you and I were doing interviews about the J.E. story. I wanted to put the names of some of these assholes, oops, I meant to say, pedo's, that J.E. sent me to. With everything going on my brain feels like mush and it would be a great deal of help." Exhibit D. Churcher replied: "*Don't forget Alan Dershowitz....JE's buddy and lawyer...good name for your pitch* as he repped Claus Von Bulow and a movie was made about that case....title was Reversal of Fortune. We all suspect Alan is a pedo and *tho no proof of that, you probably met him* when he was hanging [out] with JE." *Id.* (ellipses in original; emphasis supplied).

--- On Wed, 11/5/11, Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk> wrote:

From: Sharon.Churcher@mailonsunday.co.uk <Sharon.Churcher@mailonsunday.co.uk>
Subject: Re: Good News!!
To: "Virginia Giuffre" <[REDACTED]>
Received: Wednesday, 11 May, 2011, 4:17 PM

Don't forget Alan Dershowitz...JE's buddy and lawyer..good name for your pitch as he repped Claus von Bulow and a movie was made about that case...title was Reversal of Fortune. We all suspect Alan is a pedo and tho no proof of that, you probably met him when he was hanging out w JE

28. Giuffre wrote back but did not inform Churcher that she was mistaken that there was “no proof” of sexual misconduct by Dershowitz. She did not do so because Churcher was correct, and Giuffre had not reported having sex with Dershowitz. Instead, she replied only: “Thanks again [Sharon], I’m bringing down the house with this book!!!” *Id.*

29. Churcher has confirmed that Giuffre never accused Dershowitz of having sex with her. This evidence proves that Giuffre’s claim that she had sex with Dershowitz is a fabrication and she published her claim while knowing it was false, and after having been pressured by her lawyers to name him. Indeed, Giuffre has lied about these emails by falsely testifying under oath that no such emails between her and Churcher about Dershowitz existed. Her counsel, upon becoming aware of Giuffre’s false testimony, took no steps to correct the record. Despite her perjury having been suborned by her lawyers, she is responsible for her defamation.

30. Around this same time, in the spring of 2011, Giuffre was interviewed by the FBI regarding her time with Epstein. At risk of criminal penalty for making a false statement to a federal agent, she described in detail her time with Epstein and her allegations of being “lent out” to Epstein’s friends, who she named, but ***never accused Dershowitz***. This and the other evidence described above corroborates the account of Giuffre’s former best friend, who confirmed that Giuffre only accused Dershowitz after she was pressured by her lawyers to do so.

31. Giuffre's credibility has been completely destroyed. She has repeatedly and deliberately lied and committed perjury for money. Some of these lies were made before she met her lawyers but some were made after she met her lawyers, who pressured and suborned her to lie for their own and her profit. Her lawyers were fully aware of her history of lying when they submitted and vouched for her perjured affidavits. In addition to the false allegations against Dershowitz, she has fabricated allegations and far-fetched stories against a number of high-profile individuals. For example, she has described in great detail having dinner with and closely observing former Vice President Al Gore and his wife Tipper on Epstein's Caribbean island and claims she saw Vice President Gore and Epstein walk on the beach of the island together. The Gores did not know Epstein and have never set foot on his island. When Dershowitz directly asked Boies to call Al Gore, his former client, to confirm that Giuffre had lied when she claimed to have met the Gores on Epstein's Caribbean island, Boies refused and responded: "I'm not vouching for her general credibility. I know she's wrong about you and that's enough."

32. Giuffre has also alleged that she was forced to have sex with former Israeli Prime minister Ehud Barack, former New Mexico Governor Bill Richardson, former Democratic Senate Majority Leader Sen. George Mitchell, the late MIT computer scientist Marvin Minsky, billionaire Thomas Pritzker of Hyatt Hotels, hedge fund manager Glenn Dubin, MC2 model agency cofounder Jean Luc Brunel, England's Prince Andrew, and also an unnamed "prince," "foreign president," and owner of "a French hotel chain." Many of these accused men have issued denials and disclaimers stating that they have never even met Giuffre. While Dershowitz has no knowledge of the truth or falsity of any or all of these accusations, Giuffre has offered no proof other than her own uncorroborated word, which has been thoroughly discredited by her proven lies

about the Gores, President Clinton, her age, the absence of emails naming Dershowitz, and other matters.

33. Perhaps one of the most prominent denials to Giuffre's fabrications is from President Bill Clinton. Giuffre's statements – some under oath, and others made in a 2011 *Daily Mail* article – claimed that she was on Little St. James Island with former President Clinton:

Clinton was present on the island at a time when I was also present on the island . . . Maxwell went to pick up Bill in a huge black helicopter ... Bill had the Secret Service with him and I remember him talking about what a good job she did... We all dined together that night. Jeffrey was at the head of the table. Bill was at his left. I sat across from him. Emmy Tayler, Ghislaine's blonde British assistant sat at my right. Ghislaine was at Bill's left and at the left of Ghislaine there were two olive-skinned brunettes who'd flown in with us from New York.... Maybe Jeffrey thought they would entertain Bill, but I saw no evidence that he was interested in them. He and Jeffrey and Ghislaine seemed to have a very good relationship. Bill was very funny.

Exhibit E; Exhibit F. A statement released by President Clinton on July 8, 2019 directly refutes these claims and reads:

In 2002 and 2003, President Clinton took a total of four trips on Jeffrey Epstein's airplane: one to Europe, one to Asia, and two to Africa, which included stops in connection with the work of the Clinton Foundation. Staff, supporters of the foundation, and his Secret Service detail traveled on every leg of every trip. He had one meeting with Epstein in his Harlem office in 2002, and around the same time made one brief visit to Epstein's New York apartment with a staff member and his security detail. He's not spoken to Epstein in well over a decade, **and he has never been to Little St. James Island**, Epstein's ranch in New Mexico, or his residence in Florida.

Exhibit G (emphasis supplied).

34. After being falsely accused by Giuffre, Dershowitz assembled travel records, credit card statements, phone records, and other documentation which prove that Dershowitz could not have been in the places during the time period when Giuffre claims to have had sex with him. These documents were inspected for authenticity by former FBI Director Louis Freeh. When Dershowitz presented this documentation to Giuffre's lawyer, David Boies, he concluded that it

was “impossible” for Dershowitz to have been where Giuffre claims they had sex, and that her claims were “wrong,” “simply wrong.” Nevertheless, Boies and his firm continued to persist in advancing Giuffre’s false claims, and in submitting perjurious affidavits.

35. Since accusing Dershowitz in the CVRA Joinder Motion in December 2014, Giuffre and her lawyers have repeatedly and publicly outside of court reaffirmed her false claims, directing the media and the public to her allegations in the CVRA Joinder Motion and making clear that she stands by those accusations against Dershowitz. The full scope of Giuffre’s and her lawyers’ efforts to promote media coverage of her false accusations against Dershowitz through confirming and repeating those false accusations to members of the media, with the intention that they publish those claims to mass audiences, is not yet known and will be the subject of discovery in this case.

36. Giuffre has never retracted any part of her accusations, even the central claim that she was a minor at the time she allegedly had sex with Dershowitz, a claim which has since been conclusively proven to be false by Giuffre’s own admissions and employment records, and which is conspicuously absent from the allegations of Giuffre’s Complaint in this case. On information and belief, Giuffre continues to call Dershowitz a “pedophile” and “child rapist” and “child molester” despite her own admissions and her own records that prove she was an adult when she falsely claimed to have had sex with him.

37. On November 28, 2018, the *Miami Herald* published an interview with Giuffre as part of a lengthy article discussing the preferential treatment Epstein allegedly received from the criminal justice system. Exhibit H. Giuffre and her lawyers at Boies Schiller Flexner LLP provided the reporter, Julie Brown, with a copy of Giuffre’s sworn declaration in the CVRA action (attached as Ex. C hereto and described in Paragraph 20), which – unlike the CVRA Joinder

Motion – remained under seal, intending that Brown publish details of the sealed declaration, which she did. The article quoted at length from Giuffre’s declaration, including publishing, in particular, the details of her accusations against Dershowitz. This is false and defamatory. This was not the only time that Giuffre and her lawyers at Boies Schiller Flexner LLP provided sealed court records to the media. Later, in July 2019, in anticipation of an order by the Second Circuit unsealing documents in the related *Giuffre v. Maxwell* case – including the smoking gun Churcher emails referenced above – Giuffre’s lawyers at Boies Schiller Flexner LLP supplied Brown and *New Yorker* reporter Connie Bruck with selected documents, still under seal, which they perceived as favorable to Giuffre. Brown and Bruck thereafter pressured Dershowitz to provide them with the Churcher emails and other evidence establishing his innocence even though they remained under seal, which Dershowitz refused to do.

38. Brown has confirmed that Giuffre told her in their interview which led to the publication of the November 28, 2018 *Miami Herald* article that she (Giuffre) had sex with Dershowitz. In a videotaped interview that the *Herald* posted to its website as part of the story, “Giuffre described how Epstein and [Ghislaine] Maxwell began grooming her – not just to perform massages, but to sexually pleasure them and others[,]” including “politicians and academics and royalty.” When she mentioned “academics,” the video showed a picture of Dershowitz. Giuffre and her lawyers were the sources of this false and defamatory publication.

39. Upon information and belief, before filing her Complaint against Dershowitz in this action, Giuffre and/or her lawyers at Boies Schiller Flexner LLP, acting in their capacity as attorneys for Giuffre, provided an advance copy of the Complaint to Brown to induce Brown to publish a story about the lawsuit on the same day it was filed, April 16, 2019. Exhibit I. In a statement issued that same day outside of any legal proceeding and published in the *Miami Herald*

and other news outlets, Giuffre stated, in reference to her Complaint against Dershowitz: “As my complaint shows, my abusers have sought to conceal their guilt behind a curtain of lies. My complaint calls for the accounting to which I, and their other victims, are entitled.” *Id.* This statement was later provided to the television program *The View*, which read it on air during an appearance by Dershowitz on that show on May 2, 2019. Exhibit J. Accusing Dershowitz out of court of being one of her abusers is false and defamatory.

40. Since filing the Complaint in this action, Giuffre and her lawyers at Boies Schiller Flexner LLP have continued to make public, out of court statements falsely accusing Dershowitz of participating in the sexual abuse of Giuffre. For example, in response to the Court’s ruling disqualifying Boies Schiller Flexner LLP from representing Giuffre in this action, on October 16, 2019, Giuffre issued a statement which referred to Dershowitz as a “co-conspirator” of Epstein. Exhibit K. This is false and defamatory.

41. Giuffre and her lawyers also served as a source for a lengthy *New Yorker* profile of Dershowitz published on August 5, 2019, and on information and belief, prior to the publication of the article, falsely stated to the article’s author, Connie Bruck, that Giuffre had sex with Dershowitz, intending that the *New Yorker* publish the accusation, which it did. Ex. J. This is false and defamatory.

42. Clearly, Giuffre has engaged in a campaign to maliciously disparage and attack Dershowitz, and over the years, has made a number of defamatory statements about Dershowitz, either herself, or speaking through her authorized agents. For example:

- a. On or about May 27, 2020, in the Netflix documentary series, *Jeffrey Epstein: Filthy Rich*, approximately seven minutes and six seconds into the fourth episode of the series, entitled “Finding Their Voice,” Giuffre states on camera: “I was with

Alan Dershowitz multiple times—at least six that I can remember. Well, I was trafficked to-to Alan Dershowitz, from Epstein. Epstein made me, essentially, forced me, to-to have sex with him. Every time I was trafficked was at Epstein or Ghislaine’s behest. He’s denied being with me. Is one of us telling the truth? Yes. Is that person me? Yes.”

- b. On or about July 31, 2019, in *The American Lawyer*, David Boies, in his capacity as Giuffre’s attorney and authorized agent, stated: “[T]he problem is that [Dershowitz] believes that if he quacks loudly enough and outrageously enough, people will focus on what he’s saying and not the underlying conduct... [H]e’s desperate to detract attention from the underlying accusation. People who have good defenses present those defenses. Those who don’t engage in ad hominem attacks.” Exhibit L.
- c. On or about July 19, 2019, in *New York Magazine*, in his capacity as an attorney and authorized agent for Giuffre and other Epstein accusers, Boies stated: “This is simply more evidence of how desperate Mr. Dershowitz is to distract attention from the evidence of his misconduct. . . . Mr. Dershowitz’s misconduct, and his lies about it, are documented in sworn affidavits, sworn depositions, and contemporaneous documents... I can understand why Mr. Dershowitz wants to distract attention from the facts...” Exhibit M.
- d. On or about July 17, 2019, in *Vanity Fair*, in his capacity as Giuffre’s attorney and authorized agent, Boies stated: “Epstein’s former employees said in sworn depositions that they saw Dershowitz at the house multiple times without his wife.

‘This Olga woman doesn’t exist. Epstein’s barely kept women around who were over 25. It’s a figment of Alan’s imagination.’” Exhibit N.

- e. On or about July 7, 2019, outside the Manhattan federal courthouse, in his capacity as Giuffre’s attorney and authorized agent, Boies stated: “Virginia sued Ms. Maxwell in the Southern District of New York for her participation in the sex trafficking. She is currently suing Alan Dershowitz for his participation in the sex trafficking.”
 - f. On or about July 5, 2019, in the *Miami Herald*, in his capacity as Giuffre’s attorney and authorized agent, Boies stated, in reference to Dershowitz: “It’s very dangerous to take one position publicly and another position in court. Eventually, both the public and the court figure out that you’re lying and you lose your credibility in both forums and that’s what he has been doing - trying to take one position publicly and another in court - and they are now clashing.” Exhibit O.
 - g. On or about December 18, 2018, in the *New York Daily News*, in his capacity as an attorney and authorized agent for Giuffre and other Epstein accusers, Boies stated: “Alan Dershowitz’s absurd attacks... are consistent with his pattern of attacking every lawyer who has represented women who have accused him of sexual abuse... This is simply a pattern where he thinks if he is loud enough and crazy enough it will distract attention from what he’s done.” Exhibit P.
43. Upon information and belief Giuffre and her attorneys at Boies Schiller Flexner LLP have made other defamatory statements and engaged in further tortious conduct that Dershowitz intends to document during discovery and through the unsealing of documents in collateral matters.

COUNT ONE – DEFAMATION

44. Dershowitz realleges and incorporates herein by reference each of the prior paragraphs.

45. Giuffre has conspired with her lawyers to publish her false and defamatory claims of and concerning Dershowitz with a knowing or reckless disregard of their falsity. She has done so with the specific intent and design that her statements be a source for the media so that the media will publish her false allegations of and concerning Dershowitz that he had sex with her while she was underage as part of Epstein's criminal sex trafficking of minors. Giuffre has falsely and with a knowing and reckless disregard of falsity and acting out of ill-will and spite publicly labelled Dershowitz as a child rapist and molester.

46. Giuffre's campaign of defamation against Dershowitz, assisted and promoted by her lawyers, consists of a combination of: (i) out of court statements and; (ii) statements made in pleadings, including but not limited to the CVRA Joinder Motion, Giuffre's declaration in the CVRA Action, and the Complaint in this action, which were knowingly false and instituted with malice of the constitutional and common law varieties, for the purposes of publicly disseminating libelous statements about Dershowitz via media statements which refer to those pleadings, and causing the repeated republication of her false allegations. In addition, Giuffre, assisted and promoted by her lawyers, has defamed Dershowitz by making direct statements to the media and public untethered to any court proceeding.

47. Giuffre is liable for the defamatory statements of her authorized agents.

48. Giuffre's false allegations constitute libel.

49. Giuffre's false allegations constitute libel per se, including that they: (i) accused Dershowitz of a crime; (ii) exposed him to public contempt, ridicule, aversion and disgrace, and

induced an evil opinion of him in the minds of right-thinking persons; and (iii) tended to injure him in his professional capacity as a legal scholar and civil libertarian.

50. Giuffre intended her false statements to be widely published and disseminated on television, through newspapers, by word of mouth, and on the internet. As she intended, Giuffre's statements were published and disseminated around the world.

51. As a result of Giuffre's campaign to spread malicious lies accusing Dershowitz of being a sexual predator, pedophile, abuser, child molester and other negative epithets, Dershowitz has suffered substantial damages in the form of personal and professional reputational harm, lost business opportunities, emotional harm, embarrassment, humiliation, and pain and suffering in an amount to be proven at trial.

COUNT TWO - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

52. Dershowitz realleges and incorporates herein by reference each of the prior paragraphs.

53. Giuffre has engaged in extreme and outrageous conduct in engaging in a campaign of lies, disparagement, defamation, harassment, intimidation, and maliciousness directed at Dershowitz that is beyond the bounds of decency and not tolerated in civilized society.

54. By engaging in the aforementioned conduct, Giuffre intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Dershowitz, and did in fact cause severe emotional distress to Dershowitz.

55. There exists a causal connection between the aforementioned conduct and the injury and damages suffered by Dershowitz.

56. As a result of said conduct Dershowitz has suffered and continues to suffer from severe emotional distress including anxiety, stress, mental anguish, and the physical effects

therefrom, medical conditions including but not limited to cardiac conditions, and other ailments, precipitated by the harassment, disparagement, and other tortious conduct by Giuffre.

JURY DEMAND

Dershowitz demands a jury trial on all issues so triable in this action.

WHEREFORE, Counterclaim Plaintiff **ALAN DERSHOWITZ** respectfully seeks the following relief: (a) a judgment awarding compensatory damages; (b) punitive damages; (c) attorney's fees; (d) costs; (e) such other and further relief as to this Court may seem just and proper.

Respectfully submitted,

ALAN DERSHOWITZ,

By his attorneys,

/s/ Howard M. Cooper

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Dated: June 3, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the Court's electronic filing system and served to all counsel of record on June 3, 2020.

/s/ Kristine C. Oren
Kristine C. Oren